

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EUGENE M. ZAHURANCE,

Plaintiff,

v.

Case No. 08-C-1104

VALLEY PACKAGING INDUSTRIES, INC.,

Defendant.

ORDER

Pro se plaintiff Eugene M. Zahurance alleges that defendant Valley Packaging Industries, Inc. (“VPI”) wrongfully terminated him from his employment as a result of his physical disability. Zahurance submitted a letter to the Court in which he detailed his unsuccessful efforts to obtain discovery from VPI. (Doc. # 16.) Zahurance claims that VPI has failed to comply with a subpoena he served upon counsel for VPI and asks that VPI be held in contempt under Fed. R. Civ. P. 45(e). Beyond requesting the sanction of contempt, Zahurance also asks that VPI “be charged with obstruction of justice” and that he be granted summary judgment.

VPI responded by letter indicating it provided Zahurance with its initial disclosures under Fed. R. Civ. P. 26. (Doc. # 17.) VPI appears to have provided all of the information Zahurance seeks, with the exception of his request that VPI undertake an extensive search of its e-mail system for any e-mails containing at least one of 96 words provided by Zahurance. VPI has indicated it does not have any e-mails that reference Zahurance during his time of employment.

Zahurance's subpoena was directed toward counsel for VPI in this matter, which is generally not an appropriate way to obtain discovery in civil litigation. While the Court cannot give Zahurance legal advice or act as his counsel, he should consider attempting to discover the documents he seeks with requests to produce documents, to the extent he still seeks information from VPI. If he is of the belief that VPI has failed to respond appropriately under the Federal Rules of Civil Procedure, Zahurance is free to make a motion to compel. Further, Zahurance is advised that the Court is not in a position to bring a criminal charge of obstruction of justice against VPI. Accordingly, Zahurance's request is **DENIED**.

SO ORDERED this 24th day of July, 2009.

s/ William C. Griesbach

William C. Griesbach
United States District Judge